



Nevertheless, as a courtesy, Plaintiffs proposed that Grande be given seven additional days from the denial of its waiver motion to post a bond. *See* Dkt. 508 at 13-14. Grande's request to extend that time to 14 days is meritless. The only reason Grande proffers for the additional week is its "concern[]" that it "may" have to submit additional financial information to potential bond issuers, which "could take some time" to compile and submit. Dkt. 513 at 1-2. But Grande has already had two months beyond the 30-day period provided in Rule 62 to submit the information necessary to obtain a bond. That is more than enough time. Further, Grande does not provide any facts in support of its expressed "concern." Grande did not submit any sworn declaration or cite to anything in the record—because nothing exists—demonstrating that such a concern is warranted. Because Grande's reason for requesting more time is nothing more than hypothetical conjecture from its attorneys, it should be denied.

Ultimately, Grande's request for more time to post a bond is simply Grande's latest effort to complicate the supersedeas bond process and delay its obligation to obtain a bond like any other defendant who loses at trial.<sup>1</sup> As Rule 62 envisions, this process should be simple. Accordingly, the Court should deny Grande's application to waive the bond requirement and give Grande seven days from any such denial to obtain and post a bond. If Grande does not post a bond within that time frame, a writ of execution should issue.

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<sup>1</sup> Grande's reply brief in support of its waiver motion demonstrates how needlessly complicated and time-consuming Grande is making the bond issue. In that brief, Grande requests an *evidentiary hearing* to resolve its motion, claiming that its Chief Financial Officer, John Feehan, could be present to testify. *See* Dkt. 514 at 2, 7. But Grande cites no examples of any such hearing ever occurring in any other case and cites no authority that such a hearing is proper under Rule 62. Moreover, it was Grande's burden to demonstrate that a departure from the normal operation of Rule 62 is warranted. *See* Dkt. 508 at 3 (citing cases holding that party seeking bond waiver has the burden to submit sufficient evidence demonstrating waiver is warranted). Grande has manifestly failed to meet that burden. If Mr. Feehan had additional information to support Grande's motion, he should have included it in the declaration he submitted. Grande's request for a hearing is another delay tactic and should be denied summarily.

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on April 25, 2023 all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(b)(1).

/s/ Paige A. Amstutz

Paige A. Amstutz